

Child Support Lien Registry – State Law

35-34-02.1. (Effective after December 31, 2011) Child support lien registry.

The child support agency shall create a child support lien registry using an interactive website. The registry shall include a listing of any obligor who owes past-due support that is being enforced by the child support enforcement agency, the obligor's date of birth, and the amount of past-due support that is being enforced by the child support enforcement agency. The lien registry website must be available to the public and support a search by last name of the obligor and other information provided by the person using the website. Any real or titled personal property, except the homestead or other property that is exempt under section 28-22-02, of an obligor who is listed on the lien registry or which the obligor thereafter acquires in this state is subject to a lien. A lien under this section is perfected as of the date the lien is first listed on the child support lien registry, but is not effective against a good-faith purchaser of titled personal property unless the lien is recorded on that title. The child support agency must subordinate its lien under this section upon request of a third party if:

1. The request is accompanied by documentation from the lien registry website showing the child support lien balance as of the date the third party perfected its interest in the property, to the extent that the current balance of the child support lien exceeds the balance when the third party perfected its interest; or
2. The request is made within ninety days of the date the lien is first listed on the child support lien registry and the third party proves that it attempted to perfect an interest in the property prior to the creation of the child support lien.

Source: S.L. 2011, ch. 251 § 8.

Effective Date.

This section becomes effective January 1, 2012.

Note.

Section 14 of chapter 251, S.L. 2011 provides: “**TRANSITION.** The registry created in 35-34-02.1 may include any lien under chapter 35-34 that exists on January 1, 2012. Any lien that is added to the lien registry under this section retains its original effective date and priority.”